

UNITED STATES DISTRICT COURT  
for  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

**U.S.A. vs. Teresa L. Nubby**

**Docket No. 5:12-MJ-1943-1**

**Petition for Action on Conditions of Pretrial Release**

COMES NOW Debbie W. Starling, probation officer of the court, presenting an official report upon the conduct of defendant, Teresa L. Nubby, who was placed under pretrial release supervision by the Honorable James E. Gates, U.S. Magistrate Judge, sitting in the Court at Fayetteville, NC, on the 11th day of December, 2012, under the following conditions:

- Report to the probation office or supervising officer as directed.
- Refrain from any use of alcohol.
- Refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- Submit to any testing required by the pretrial services office or the supervising officer to determine whether the defendant is using a prohibited substance. Any testing may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which are required as a condition of release.
- Participate in a program of inpatient or outpatient substance abuse therapy and counseling if the pretrial services office or supervising officer considers it advisable.
- Participate in the following location monitoring program component and abide by its requirements as the supervising officer instructs.

Home Detention: You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the supervising officer.

- Submit to the location monitoring indicated below and abide by all of the program requirements and instructions provided by the supervising officer related to the proper operation of the technology.

Radio Frequency (RF) monitoring.

On February 12, 2013, the defendant's conditions of release were modified to include mental health treatment as directed by the U.S. Probation Office.

On April 4, 2013, the court was notified of the defendant having operated a motor vehicle without being properly licensed on March 25, 2013. The court continued her supervision.

On May 2, 2013, the court was notified that the defendant was removed from the Remote Alcohol Monitoring Program due to equipment issues. She participated in the program from December 11, 2012, until April 23, 2013, when the equipment was removed, and no instances of alcohol use were detected.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** The defendant has been subject to the home detention program since being placed on pretrial supervision on December 11, 2012. During this time, she has complied with the program rules and regulations. She is participating in substance abuse and mental health treatment, has tested negative for all illegal substances, and aside from her driving incident on March 25, 2013, she has complied with all conditions as required. Based on these factors, it is respectfully recommended that she be removed from home detention supported by electronic monitoring.

**PRAYING THAT THE COURT WILL ORDER** that the home detention supported by electronic monitoring condition be stricken. All other conditions will remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton

Robert L. Thornton  
Supervising U.S. Probation Officer

/s/Debbie W. Starling

Debbie W. Starling  
U.S. Probation Officer  
310 Dick Street  
Fayetteville, NC 28301-5730  
Phone: (910) 483-8613  
Executed On: June 24, 2013

**ORDER OF COURT**

Considered and ordered this 24th day of June, 2013, and ordered filed and made a part of the records in the above case.

  
James E. Gates  
United States Magistrate Judge